

**Worksheet**  
**Documentation of Land Use Plan Conformance and NEPA Adequacy (DNA)**

U.S. Department of the Interior  
Bureau of Land Management (BLM)

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**A. BLM Office:** Phoenix Field Office

**NEPA No.:** AZ210-2005-0074

**Case File No.:** AZA-33135

**Proposed Action Title/Type:** Special Recreation Permit (SRP)

**Applicant:** Leigh Hansen dba Cool Tours

**Location of Proposed Action:** T6N, R2W, Sections 10, 14, 15, 22, 23 and 26; T7N, R1E, Section 11; T8N, R2E, Sections 20, 21, 27-29, 33 and 34.

**Roads, trails and washes that are under county, state or private jurisdictions are not authorized under this permit and may not be included in the above legal descriptions.**

**Description of the Proposed Action:** Approve an SRP authorizing the applicant to conduct commercial, guided desert off-highway vehicle tours on the approved existing routes in the Hieroglyphic Mountains and Table Mesa areas including the Agua Fria Fort and Indian Mesa. The permit will be effective until September 30, 2006 as long as all stipulations are adhered to. The applicant is a sole proprietorship catering to small groups. Additional subcontractors may be used occasionally, once per month, for larger group tours. Tours will be offered year round with an average of four tours per month expected in the high use season. Tours range from four to five hours, averaging four guests per trip, with a maximum of seventy five guests and ten vehicles when using subcontractors. Clients will be instructed on proper archaeological site etiquette. Guides are first aid certified and a cell phone is carried in case of emergency. *Tread Lightly!* and Leave No Trace principles will be practiced. The attached "Phoenix Field Office BLM Stipulations for Commercial Motorized SRPs" are incorporated herein.

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**B. Conformance with the Land Use Plan (LUP) and Consistency with Related Subordinate Implementation Plans.**

LUP Name: "Phoenix Resource Area Management Plan/Environmental Impact Statement"

Date Approved: September 29, 1989

The proposed action is in conformance with the LUP, even though it is not specifically provided for, because it is clearly consistent with the following LUP decisions (objectives, terms, and conditions) and, if applicable, implementation plan decisions:

The proposed action is not specifically provided for in the Phoenix RMP. However, Decision LR-55 on page 14 of the LUP states "Land use authorizations (rights-of-way, leases, permits, easements) would continue to be issued on a case-by-case basis and in accordance with the recommendations in this Proposed RMP/EIS".

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**C. Identify the applicable NEPA document(s) and other related documents that cover the proposed action.**

This proposed action is covered in the following EAs: "Bumble Bee Adventures, LLC" Environmental Assessment, AZ020-99-009, dated 1/5/99 and the "ATR Desert Mountain Enduro" EA, AZ-020-98-035, dated 2/25/98.

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**D. NEPA Adequacy Criteria**

**1. Is the current proposed action substantially the same action (or is a part of that action) as previously analyzed?**

The current proposed action is substantially the same as previously analyzed in the above EAs. All of the proposed routes are specifically identified and analyzed in the above EAs.

**2. Is the range of alternatives analyzed in the existing NEPA document(s) appropriate with respect to the current proposed action, given current environmental concerns, interests, resource values, and circumstances?**

Two alternatives, proposed action and no action, were analyzed in the existing EAs and they are still appropriate with respect to the current proposed action. No new alternatives or concerns have been presented by the public, other agencies, or resource specialists.

**3. Is the existing analysis adequate and are the conclusions adequate in light of any new information or circumstances (including, for example, riparian proper functioning condition [PFC] reports; rangeland health standards assessments; Unified Watershed Assessment categorizations; inventory and monitoring data; most recent Fish and Wildlife Service lists of threatened, endangered, proposed, and candidate species; most recent BLM lists of sensitive species)? Can you reasonably conclude that all new information and all new circumstances are insignificant with regard to analysis of the proposed action.**

New information or circumstances, discussed in detail below, have appeared since the EAs were written. Each one has been appropriately analyzed and considered by resource specialists for the proposed action and it has been determined that there is either, no affect, or no significant impacts, with

regards to the new information and circumstances.

In August of 1999, three changes were made to the listing of “Critical Elements of the Human Environment” which must be considered in all NEPA analysis; Invasive, Non-Native Species, Ground and Surface Water Quality, and Environmental Justice. It has been determined by resource specialists that this proposed action has no direct or indirect impacts on any of these elements in the affected area.

Stipulations addressing this element have been added to mitigate any potential invasion of non-native species that might occur in the affected area by the proposed action. Ground and surface water quality will not be affected by the proposed action. In reviewing the proposed action it was determined that the proposed action will not disproportionately affect Native American tribes, or minority and/or low-income groups.

Standards for Rangeland Health were incorporated into all state LUPs through a statewide amendment in May of 1997, therefore, the proposed action was reviewed to determine whether it is in conformance with the approved standards. Since all routes for the proposed action occur on existing, open roads and trails, it has been determined that the proposed action will not adversely affect the watershed functional condition or the desired plant community for the affected area. Riparian functional condition is not affected by the proposed action.

The Agua Fria and Sonoran Desert National Monuments, located on public lands within the Phoenix Field Office, were designated in 2000 and 2001 by Presidential Proclamation to protect objects of scientific or historic interest. The proposed action does not occur within these monument boundaries, and therefore, they are not affected.

Executive Order 13212, dated December of 2001, directed that all decisions made by the BLM will take into consideration adverse impacts on the President’s National Energy Policy. To comply with this directive, the proposed action was reviewed and it has been determined by resource specialists that the proposed action will not have a direct or indirect impact on energy development, production, supply and/or distribution since the proposed action does not occur in an area with any existing utility corridors, there are no known planned or proposed energy developments, and no applications for such use has been received by the PFO.

**4. Do the methodology and analytical approach used in the existing NEPA document(s) continue to be appropriate for the current proposed action?**

The process used in the existing EAs is the agency standard for this type of action. The environmental impacts of the proposed action were analyzed during the development of the EAs.

**5. Are the direct and indirect impacts of the current proposed action substantially unchanged from those identified in the existing NEPA document(s)? Does the existing NEPA document sufficiently analyze site-specific impacts related to the current proposed action?**

The direct and indirect impacts are the same as those identified and analyzed in the existing EAs which specifically analyzes site-specific impacts for all activities and routes identified in the proposed action.

**6. Can you conclude without additional analysis or information that the cumulative impacts that would result from implementation of the current proposed action are substantially unchanged from those analyzed in the existing NEPA document(s)?**

Yes, the cumulative impacts resulting from the proposed action activities on public land are substantially unchanged from those analyzed in the existing EAs. Uses in the area have not increased significantly to change or negatively affect the cumulative impacts analysis. In addition, the activity is limited to existing, open roads and trails which are open to the public.

**7. Are the public involvement and interagency review associated with existing NEPA document(s) adequate for the current proposed action?**

The interagency consultation and public involvement and review associated with the existing EAs are adequate for the current proposed action. All agencies and the affected public addressed in the proposed action area had several opportunities for input and review during the analysis process. Nothing in the proposed action has changed, and no new circumstances or concerns have emerged that require public involvement or interagency review since the EAs were written.

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**E. Interdisciplinary Analysis:** Identify those team members conducting or participating in the preparation of this worksheet.

<u>Name</u>	<u>Title</u>	<u>Resource Represented</u>
<u>Penny Foreman</u>	<u>Outdoor Recreation Planner</u>	<u>Recreation and Preparer</u>
<u>Jack Ragsdale</u>	<u>Acting RAW Team Lead</u>	<u>NEPA Compliance/Reviewer</u>

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**F. Specific Mitigation Measures/Stipulations:**

1. No motorized use is authorized in riparian areas including the Agua Fria River. Only crossing riparian areas on existing roads, trails and washes is authorized.
2. The rare Hohokam Agave plant is listed as a sensitive species of concern and may occur in the proposed area. If encountered, the plant is to be avoided (see the enclosed information sheet).

3. The attached “Phoenix Field Office BLM Stipulations for Commercial Motorized SRPs” are incorporated herein.

### **CONCLUSION**

Based on the review documented above, I conclude that this proposal conforms to the applicable land use plan and that the existing NEPA documentation fully covers the proposed action and constitutes BLM’s compliance with the requirements of NEPA.

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Signature of the Responsible Official

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Date

Note: The signed CONCLUSION on this worksheet is part of an interim step in the BLM=s internal analysis process and does not constitute an appealable decision.



## DECISION RECORD

NEPA No.: AZ210-2005-0074

Case File No.: AZA-33135

### **Decision:**

It is my decision to approve the Special Recreation Permit which authorizes **Leigh Hansen dba Cool Tours** to conduct commercial, guided desert off-highway vehicle tours on the approved routes in the Hieroglyphic Mountains and Table Mesa areas as described in the proposed action for the above NEPA document. The permit will be effective from July 1, 2005 until September 30, 2006 providing the permittee remains in good standing by complying with all terms, conditions and stipulations.

### **Rationale for Decision:**

Special Recreation Permits are discretionary and may be issued on a case by case basis pursuant to 43 CFR 2930. The proposed action is in conformance with the “*Phoenix Resource Area RMP/EIS*”, dated September 1989, the “*Bumble Bee Adventures, LLC Environmental Assessment*”, dated 1/5/99, and the “*ATR Desert Mountain Enduro*” EA, AZ-020-98-035, dated 2/25/98. This decision has no adverse impact on energy development, production, supply and/or distribution. Additional stipulations identified in this DNA and decision record, and those included with the permit, should ensure protection of any sensitive resources in the proposed areas. Compliance monitoring will be conducted to ensure these measures are followed and no significant impacts are occurring.

### **Mitigation Measures/Stipulations:**

1. No motorized use is authorized in riparian areas including the Agua Fria River. Only crossing riparian areas on existing roads, trails and washes is authorized.
2. The rare Hohokam Agave plant is listed as a sensitive species of concern and may occur in the proposed area. If encountered, the plant is to be avoided (see the enclosed information sheet).
3. The attached “Phoenix Field Office BLM Stipulations for Commercial Motorized SRPs” are incorporated herein.

/s/ MarLynn Spears

Field Manager

6/13/05

Date

**PHOENIX FIELD OFFICE BLM  
STANDARD STIPULATIONS FOR  
COMMERCIAL MOTORIZED SPECIAL RECREATION PERMITS  
Cool Tours, AZA-33135  
July 1, 2005 to September 30, 2006**

In addition to the conditions and stipulations listed on the Special Recreation Application and Permit form, the Arizona and Phoenix Field Office BLM have established the following additional stipulations designed to protect the lands and resources involved, reduce user conflicts, and/or minimize health and safety hazards. The stipulations will be made part of the permit. Failure to comply with these stipulations may result in the loss of permit privileges.

- BLM Contacts: Penny Foreman at 623-580-5528, or Jack Ragsdale at 623-580-5643
- BLM Law Enforcement Dispatch Office: 1800-637-9152 or 623-580-5515

**General Administrative:**

1. Estimated fee payments, or the minimum non-refundable annual fee, whichever is applicable, will be submitted in advance to the BLM authorized officer prior to issuance or validation of the permit. Any additional use fees will be due at the end of the six month reporting period in which the fees were accrued. Overpayment of fees will be applied to the following year's estimated use fees. **Use fees for commercial permits are 3% of gross revenue or the minimum annual fee of \$80, whichever is greater.**
2. Post-use reports and estimated fee payments for annual and multi-year permits will be submitted to the BLM on a fiscal year semi-annual basis. They are due within 15 days after the six month use period (**April 15 and October 15**).
3. The permittee is required to contact private landowners and other governmental agencies whose property is affected by the use associated with the permit (this includes the Arizona State Land Department for state trust lands). Evidence that authorization has been obtained must be available to the BLM authorized officer upon request.
4. Any changes to the approved Plan of Operations must first be approved by the BLM authorized officer. **This includes the use of subcontractors.**
5. The permit does not authorize exclusive use and shall not be construed in any way so as to prevent public use or access on any public lands except as expressly allowed under the permit.
6. The permittee is required to provide the BLM authorized officer with a copy of a valid Certificate of Insurance covering the periods of use. The U.S. Government must be named as a co-insured party on the policy. Minimum general liability limits are: \$500,000 per occurrence and \$1,000,000 annual aggregate for bodily injury, and \$25,000 property damage per occurrence and \$50,000 annual aggregate, if the policy specifies aggregate limits.



7. **It is the responsibility of the permittee to ensure valid insurance coverage, including general public liability, with the limits listed above, is provided for all equipment and services supplied by subcontractors.** A copy of the valid insurance coverage must be made available to the BLM authorized officer upon request.
8. A copy of this permit and the stipulations must be carried by guides during all tours conducted on BLM administered lands, and must be made available to any BLM employee or client upon request.
9. Any violation of the permit terms, conditions and stipulations may be subject to penalties prescribed in 43 CFR 8372.0-7, which may include fines up to \$1,000 and/or imprisonment up to 12 months. Additionally, any such violation may result in permit probation, suspension or revocation. Examples which can lead to permit violations include, but are not limited to; delinquent post use reports and/or payments, deviations to operating plan not approved by authorized official, violation of laws and regulations, significant resource damage and public endangerment.
10. All signs on public lands must be authorized by the BLM in writing.
1. The permittee is responsible for ensuring the safety of all clients and support personnel, assuring that all permit actions are in conformance with local, state and federal health and safety standards and providing for appropriate emergency attention.
12. All injuries requiring emergency hospital care will be reported to the BLM authorized officer within two days of the occurrence and a Death and Injury Report submitted to the BLM authorized officer within 10 days of the occurrence.
13. The BLM reserves the right to alter the terms, conditions or stipulations of a permit at any time for reasons such as significant policy, administrative procedure or stipulation change.
14. Annual permits remain valid if the permittee is in good standing by complying with all terms, conditions and stipulations including submitting quarterly post use reports, and paying applicable use fees, timely. For multi-year permits, an annual review is done at the beginning of each fiscal year (October 1) and permits are validated for the upcoming fiscal year. For a permit to be validated, the permittee must be in good standing by complying with all terms, conditions and stipulations including submitting quarterly post use reports, and paying applicable use fees, timely. In addition, certificates of insurance need to be current, and operating plans must be reviewed and updated with any changes before a permit will be validated for the upcoming fiscal year.

#### **Resource Protection:**

1. All activities are to remain on the approved roads, trails, washes and/or staging areas. No deviation to these routes is permitted without prior approval from the BLM authorized officer.  
**Off-highway vehicles are not permitted in riparian areas or in running washes except at**

road crossings.

2. **Employees and clients will be instructed that it is unlawful to disturb, deface, excavate or remove any archaeological or paleontological objects or structures. Simply, look but don't touch! Rock art may be photographed but not touched. Collection of prehistoric or historic artifacts is not allowed.** Any prehistoric or historic cultural site or human remains discovered by the operator, employees or clients will be left undisturbed and reported as soon as possible to the BLM authorized officer.
3. Operator must notify the BLM authorized officer of any specific archaeological sites proposed for inclusion on tours. All proposed new sites are subject to BLM approval and protective stipulations.
4. **Tours to archaeological sites are limited to 25 people at a time unless otherwise authorized.**
5. **Historical mine sites should not be disturbed. Collecting artifacts from these sites is strictly prohibited.**
6. **Stay out and Stay Alive! Abandoned mines are extremely dangerous and BLM policy is to avoid entry. All persons operating under this SRP, including subcontractors, are prohibited from entering abandoned mines.**
7. Harassment of livestock, wildlife, wild horses or burros, or destruction of private and public improvements such as fences and gates is prohibited. All gates and fences shall be left as found. The taking of any threatened or endangered plant or animal is prohibited.
8. Proposed activities will be conducted in a manner that will not interfere with mining or exploration operations. No minerals are to be collected from areas encumbered by active mining claims unless authorized by the claimant(s).
9. Cutting or removal of live vegetation is not permitted.
10. Collection, harassment and disturbance of desert tortoises and Gila monsters are prohibited by Arizona State Law. If encountered on roads or trails they should be avoided. If a desert tortoise is encountered and cannot be avoided, it should be carefully moved to safety by carrying it horizontal to the ground, not tilted, and placed in the shade the minimum distance needed to remove it from harm's way. Gila monsters should be avoided and not handled. They are venomous and can inflict a serious and painful bite.
11. If the volume of use is determined to be adversely impacting soils or riparian condition through erosion, bank alteration or other means, the BLM may restrict use of affected areas or routes to allow restoration and recovery of degraded areas. During wet periods, certain road and trail segments may be closed to all traffic. The BLM will consider the applicant's needs when designing and implementing restrictions or watershed restoration efforts that could influence the operation.



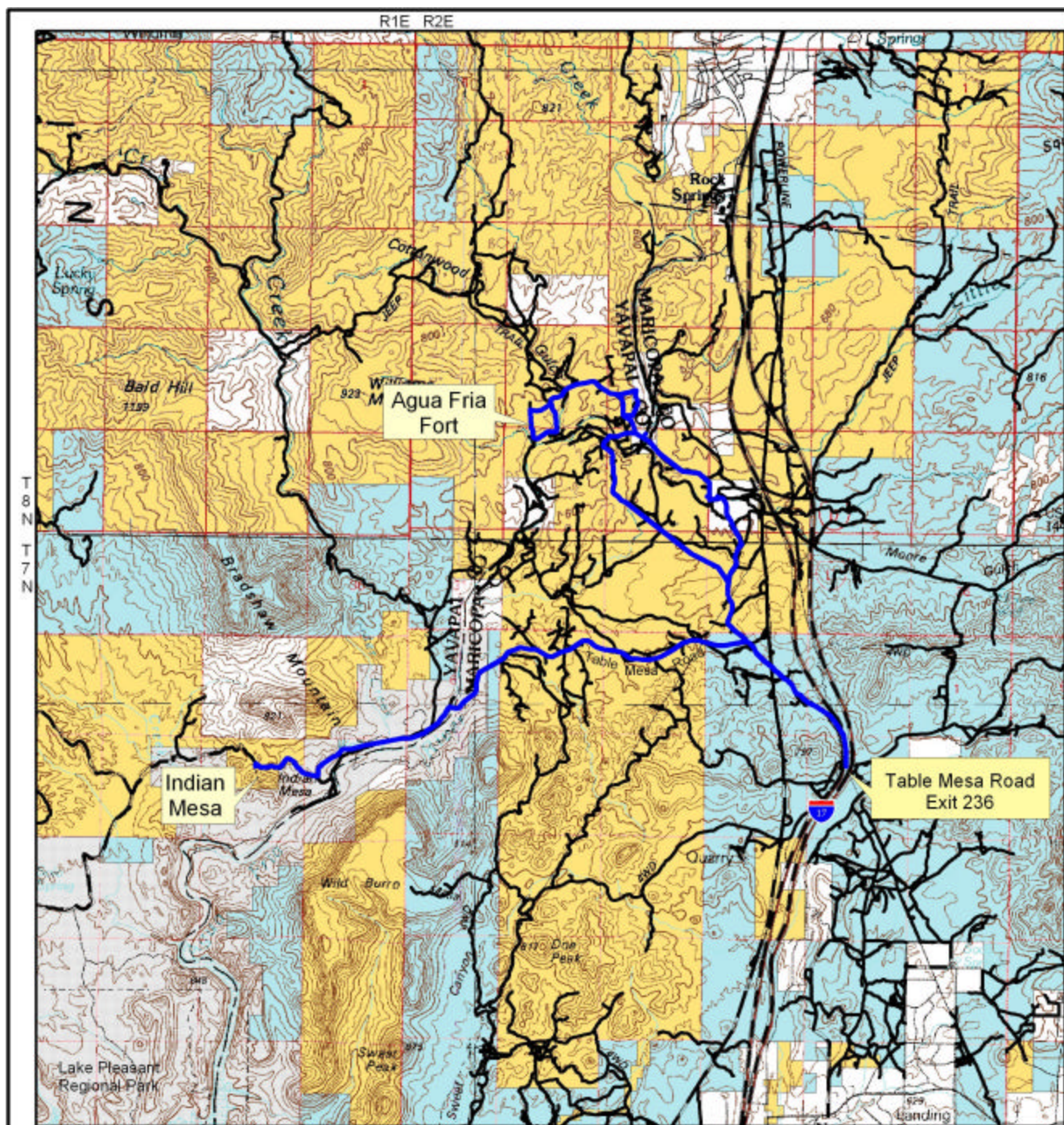
12. The permittee will be committed to preserving and protecting the public lands by learning, practicing and promoting the *Leave No Trace* principles listed below:

- Plan ahead and prepare.
- Travel and camp on durable surfaces.
- Dispose of waste properly.
- Leave what you find.
- Minimize campfire impacts.
- Respect wildlife.
- Be considerate of other visitors.

### **Off-Highway Vehicle Use:**

1. **No off-highway vehicles of any type are permitted in riparian areas or in running washes except at road crossings. Substantiated reports of unauthorized use in these areas will result in immediate probation and possible suspension or revocation of permit privileges.**
2. All motor vehicle use will comply with existing BLM and state off-highway vehicle laws and regulations on public lands relating to use, standards, registration, operation and inspection. These regulations include, but are not limited to, the following:
  - A. No person shall operate an off-road vehicle on public lands:
    1. In a reckless, careless or negligent manner;
    2. In excess of established speed limits;
    3. While under the influence of alcohol, narcotics or drugs;
    4. In a manner causing, or likely to cause, significant undue damage to or disturbance of the soil, wildlife, wildlife habitat, improvements, cultural, or vegetative resources.
  - B. Drivers shall yield the right-of-way to pedestrians, saddle horses, pack trains, and animal drawn vehicles.
  - C. Drivers are prohibited from operating a motor vehicle, unless the driver and each front seat passenger are restrained by a properly fastened safety belt.
3. Permittee will be committed to preserving and protecting the public lands by learning, practicing and promoting the *Tread Lightly!* principles listed below.
  - Travel and recreate with minimal impact,
  - Respect the environment and the rights of others,
  - Educate yourself, plan and prepare before you go,
  - Allow for future use of the outdoors, leave it *better* than you found it, and
  - Discover the rewards of responsible recreation.





### Approved Routes for Cool Tours SRP FY05/06 - Map 1



Phoenix Field Office  
21605 N. 7th Ave.  
Phoenix, AZ 85027  
623-580-5500

No warranty is made by BLM for the use of this map for purposes not intended by BLM, or to the accuracy, reliability, or completeness of the information shown. Spatial information may not meet National Map Accuracy Standards. This information may be updated without notification.

Portions of routes that traverse state, county or private lands ARE NOT authorized under this permit. Authorization must be obtained from the appropriate landowner for permitted activities.

#### Legend

Authorized Routes  
on BLM, excluding  
County Roads

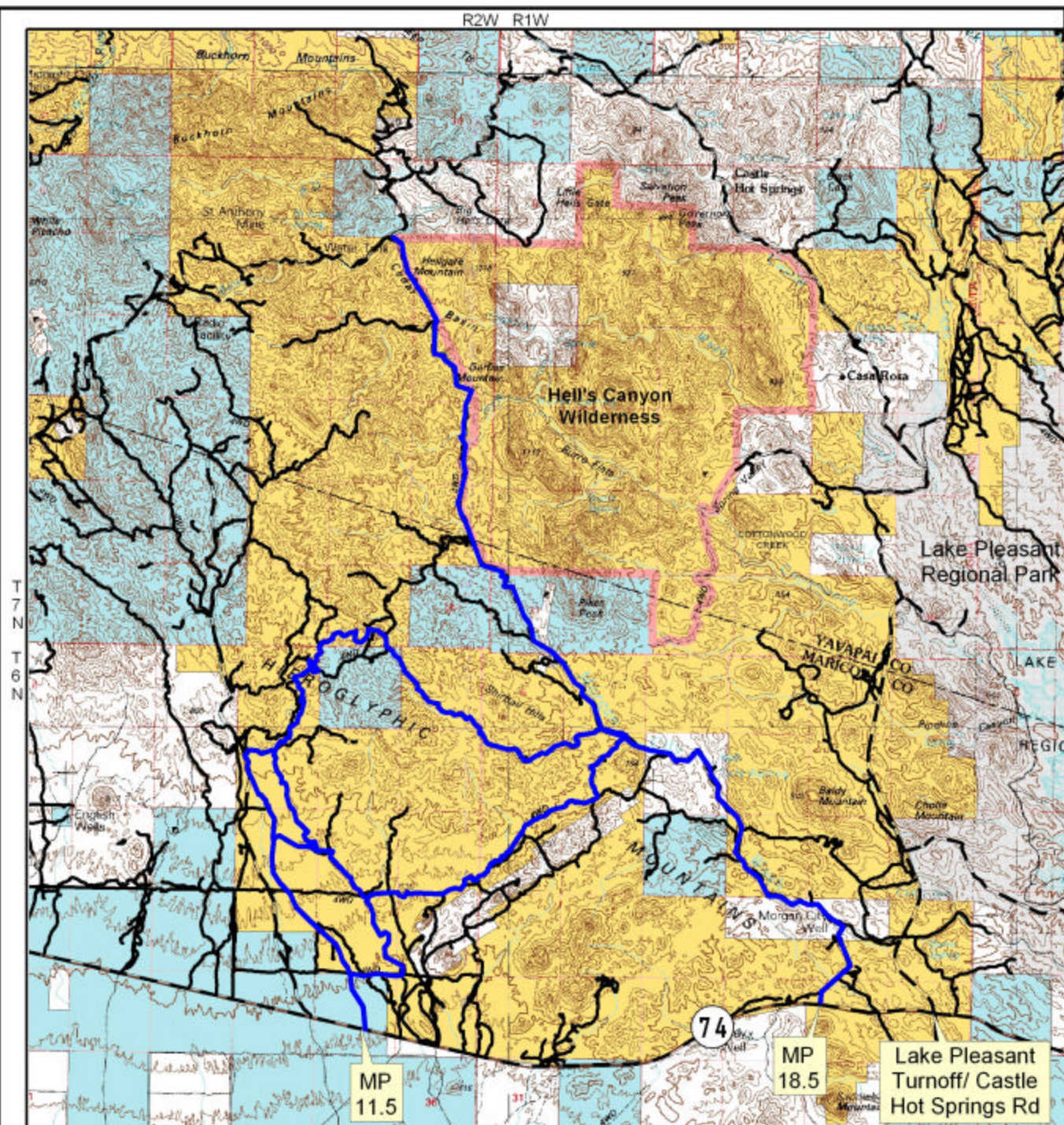


0 0.5 Mile  
Scale 1:80,000

#### Land Ownership

Yellow	BLM
White	Private
Light Blue	State
Grey	County Park





Phoenix Field Office  
21605 N. 7th Ave.  
Phoenix, AZ 85027  
623-580-5500

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Authorized Routes  
on BLM, excluding  
County Roads

#### Land Ownership

BLM  
Private  
State  
County Park



0 5 1 Mile  
Scale 1:100,000